

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NELSON AVILES,

Defendant.

Criminal Action No. 08- / / / - M

MOTION FOR DETENTION HEARING

NOW COMES the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because case involves (**check all that apply**):

____ Crime of violence (18 U.S.C. § 3156)

_____ Maximum sentence life imprisonment or death

_____ 10+ year drug offense

_____ Felony, with two prior convictions in above categories

Minor victim

X Possession/ use of firearm, destructive device or other dangerous weapon

Failure to register under 18 U.S.C. § 2250

 X Serious risk defendant will flee

 Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release which will reasonably assure (**check one or both**):

X Defendant's appearance as required

X Safety of any other person and the community

3. **Rebuttable Presumption.** The United States will not invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because **(check one or both):**

___ Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c), or a federal crime of terrorism, or a specified offense (_____) with minor victim

___ Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the court conduct the detention hearing,

___ At first appearance

X After a continuance of 2 days (not more than 3).

5. **Temporary Detention.** The United States requests the temporary detention of the defendant for a period of _____ days (not more than 10) so that the appropriate officials can be notified since **(check 1 or 2, and 3):**

1. At the time the offense was committed, the defendant was:

___ (a) on release pending trial for a felony;

___ (b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;

___ (c) on probation or parole for an offense.

___ 2. The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.

___ 3. The defendant may flee or pose a danger to any other person or the community.

6. **Other Matters.**

DATED this 24th day of June, 2008.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

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Robert J. Prettyman
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